

TAB 3

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

ALEX NGUYEN
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Santa Clara, CA 95055
408-499-4239
communicator@doubleperfect.com

Complainant,

v.

CELLCO PARTNERSHIP &
AFFILIATED ENTITIES d/b/a
VERIZON WIRELESS

Defendant.

Proceeding No. 16-242
File No. EB-16-MD-003

**OPPOSITION AND OBJECTIONS TO DEFENDANT'S FIRST SET OF
INTERROGATORIES**

Pursuant to Section 1.729 of the Commission's rules, I, Alex Nguyen, hereby serve my Opposition and Objections to the First Set of Interrogatories from Cellco Partnership & Affiliated Entities d/b/a Verizon Wireless ("Verizon").

I. GENERAL OBJECTIONS AND OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. I object to Verizon's definition of "Verizon" on the grounds that Verizon objected to my definition of "Verizon" but copied my definition almost verbatim.

2. I object to the definitions of "Mobile Hotspot" and "Mobile Broadband Connect" on the grounds that no Verizon "tethering service" exists. Tethering is a device feature, not a carrier-specific "service." See Complaint ¶ 207 and Reply ¶ 15 for proof that no such Verizon "tethering service" exists.

3. I object to the Interrogatories to the extent they request information unnecessary to the resolution of the dispute. Congress explicitly stated that “Any person, any body politic or municipal organization, or State commission, complaining of anything done or omitted to be done by any common carrier subject to this Act, in contravention of the provisions” and that “No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.”¹

4. I object to the Interrogatories to the extent they request information available to Verizon.

II. SPECIFIC OBJECTIONS

INTERROGATORY NO. 1: Confirm that you have used or attempted to use the following devices on the Verizon Network: a non-Verizon Nexus 6, a non-Verizon Microsoft Surface 3, a Verizon iPad mini, a Verizon iPhone 5, and a non-Verizon iPhone 6. Further identify any other devices that you have used or attempted to use on the Verizon Network.

Response: I object to Interrogatory No. 1 to the extent it requests information unnecessary to the resolution of the dispute. Congress explicitly stated that “Any person, any body politic or municipal organization, or State commission, complaining of anything done or omitted to be done by any common carrier subject to this Act, in contravention of the provisions” and that “No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.” I further object to this Interrogatory to the extent it requests information available to Verizon. Nevertheless, I voluntarily confirm I have used or attempted to use an iPhone 6 originally sold by T-Mobile on the Verizon network. An exhibit from the My Verizon site attached to the Reply suggests this information is available to Verizon. Because Verizon's

¹ 47 USC § 208.

claim that this information is “not present in Mr. Nguyen's records at Verizon” and “not available from Verizon or any other source” appears to be false, I will not confirm I have used or attempted to use any other devices.

INTERROGATORY NO. 2: Confirm that You have never used or attempted to use the following devices on the Verizon Network: Motorola v710, Palm Treo 700w, Apple iPad 4th Generation, Motorola Nexus 6, Asus Nexus 7, Apple iPhone 5c, Apple iPhone 5s, Apple iPad Air, Apple iPad mini 2, Apple iPhone 6 Plus, Apple iPad Air 2, Apple iPad mini 3, Microsoft Surface 3, Apple iPad mini 4, Apple iPhone 6s, Apple iPhone 6s Plus, LG Nexus 5X, Huawei Nexus 6P, Apple 12.9-inch iPad Pro, Apple iPhone SE, and Apple 9.7-inch iPad Pro. To the extent You believe You have used or attempted to use any of the foregoing devices on the Verizon Network, identify the device and the date(s) of your attempted or actual use.

Response: I object to Interrogatory No. 2 to the extent it requests information unnecessary to the resolution of the dispute. Congress explicitly stated that “Any person, any body politic or municipal organization, or State commission, complaining of anything done or omitted to be done by any common carrier subject to this Act, in contravention of the provisions” and that “No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.” I further object to this Interrogatory to the extent it requests information available to Verizon. Verizon's claim that this information is “not present in Mr. Nguyen's records at Verizon” and “not available from Verizon or any other source” appears to be false.

Respectfully submitted,

A handwritten signature in black ink, reading "Alex Nguyen". The signature is fluid and cursive, with the first name "Alex" and last name "Nguyen" clearly distinguishable.

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